

Figure in Spy Trial of Soblen Linked to Brandt of West Berlin

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By DAVID ANDERSON

Dr. Hans Hirschfeld, a key figure in the recent spy trial of Dr. Robert Soblen, was identified here yesterday by the defense as a former aide of Mayor Willy Brandt of West Berlin.

The identification was made in a motion for a new trial for Soblen, who was convicted in August as an agent for the Soviet Union.

The defense motion declared that the prosecution's success was largely due to testimony that a certain Dr. Hans Hirschfeld had supplied data from the files of the Office of Strategic Services to Soblen for transmission to Moscow.

The defense now contends that the Government wrongfully failed to identify Dr. Hirschfeld or to explain that he had repeatedly denied the spying allegations, once before a grand jury in this city early last year.

Judge Thomas F. Murphy signed a show cause order on the new trial motion. Argument is expected to be heard on Monday. The motion was filed by Ephraim S. London.

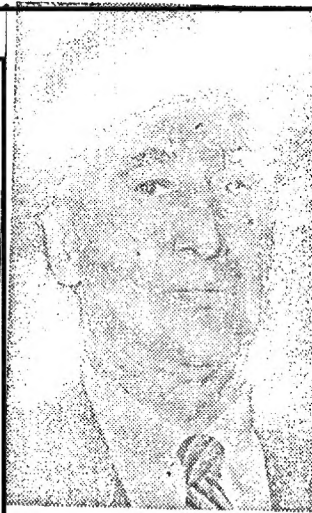
In his affidavit, Mr. London maintained that the Government's "denial of knowledge" concerning Dr. Hans Hirschfeld's whereabouts was "misleading, if not false." During the trial, Assistant United States Attorney Richard C. Casey told Judge William B. Herlands that Dr. Hirschfeld was "outside the jurisdiction of the United States . . . I don't know where he is living."

Mr. London said the Government, nevertheless, had on at least three occasions between 1957 and 1960 been able to locate Dr. Hirschfeld "without the least difficulty." He was identified as a person of prominence in West Germany, at that time an aide to Mayor Brandt and a former Director of the West German Senate.

Dr. Hirschfeld's name came into the Soblen trial on July 6 when Mrs. Johanna Koenen Boker, at one time a courier for a Russian wartime spy ring in this city, mentioned him and the late Dr. Horst Baerensprung as German employees of the Office of Strategic Services who supplied material of interest to Soblen. Allusions were made to the development of the atomic bomb.

"The testimony about the military project is not only meaningless in relation to the charge, but was incredible and inherently improbable," Mr. London declared.

He contended that Dr. Hirsch-



Associated Press

Dr. Robert Soblen

feld had no access to highly classified information. Statements in support of that view, appended to the motion, were received from Prof. H. Stuart Hughes of Harvard University, a grandson of the late Chief Justice Charles Evans Hughes, and Prof. Herbert Marcuse of Brandeis University. Each swore that Dr. Hirschfeld was anti-Communist.

The motion also contended that if the defense had been in a position to call Dr. Hirschfeld or obtain a deposition from him, "it is fair to say that a jury might have given more weight to so respected a Government official than to Mrs. Boker, a self-confessed espionage agent."

Soblen, a 61-year-old psychiatrist suffering from lymphatic leukemia, is free in \$100,000 bail. He has consistently maintained that he knew nothing about Dr. Hirschfeld.

A statement from Dr. Hirschfeld to Joseph Brill, trial lawyer for Soblen, was attached to the new motion. It ended:

"We are in the middle of an election campaign. Willy B. is the candidate of the S. P. D. [the Social Democratic party] against Adenauer. You know the way smearing can be done. How simple to claim that the S. P. D. is not 100 per cent pure against Communist infiltration. Just look at Willy B: one of his closet co-workers has been named as a Soviet agent and a spy!"

"That is the main reason of my writing to you in this unhappy affair of witch-and-spy-hunting. I don't know why this female or others pick my name. I only know I never did what she claimed and claims. I have never met her before."